IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VIRNETX INC., and LEIDOS, INC.,	§	
Plaintiffs,	§	
v.	§	**Civil Action No. 6:12-cv-00855-RWS**
APPLE INC.,	§	
	§	**JURY TRIAL DEMANDED**
Defendant.	§	

FINAL JUDGMENT

On November 6, 2012, VirnetX Inc. ("VirnetX") filed Civil Action No. 6:12-cv-00855 against Apple Inc. ("Apple"). Beginning on April 2, 2018, the Court conducted an eight-day, two-phase jury trial, with the issue of willfulness tried in the second phase. On appeal, the Federal Circuit affirmed the jury's finding that Apple's VPN on Demand feature infringes VirnetX's patents, but reversed the finding that Apple's FaceTime feature infringes. The Federal Circuit remanded for the Court to determine whether a new trial on damages is necessary. Based upon the record, a new trial on damages is not necessary. Final Judgment is now appropriate because all issues between VirnetX, Leidos, and Apple have been finally resolved either by the jury trial, the Federal Circuit, or by order of this Court.

Therefore, Pursuant to Rules 54 and 58 of the Federal Rules of Civil Procedure and in consideration of the jury verdicts delivered on April 10, 2018 and April 11, 2018, and the entirety of the record available to the Court, the Court **ORDERS AND ENTERS FINAL JUDGMENT** as follows:

- Defendant Apple is found to have infringed claims 1 and 7 of U.S. Patent 6,502,135

(the "'135 Patent") and claim 13 of U.S. Patent 7,490,151 (the "'151 Patent").

- Apple is found to have infringed claims 1 and 7 of the '135 Patent and claim 13 of the '151 Patent, willfully.
- Claims 1 and 7 of the '135 Patent and claim 13 of the '151 Patent are not invalid.
- For the period from September 18, 2013 until April 10, 2018, the Court awards **$461,433,906** to VirnetX for Apple's infringement of claims 1 and 7 of the '135 Patent and claim 13 of the '151 Patent.
- For the period from April 11, 2018 through February 28, 2020, the Court awards [redacted] to VirnetX for Apple's infringement of claims 1 and 7 of the '135 Patent and claim 13 of the '151 Patent.
- For the period from February 29, 2020 until the entry of judgment, the Court awards [redacted] **per day** to VirnetX for Apple's infringement of claims 1 and 7 of the '135 Patent and claim 13 of the '151 Patent.
- Pursuant to 35 U.S.C. § 284, the Court awards VirnetX pre-judgment interest in the amount of **$127,332,257** for the time period through February 28, 2020, plus [redacted] for the time period from February 29, 2020 through the entry of judgment.
- Pursuant to 28 U.S.C. § 1961, the Court awards VirnetX post-judgment interest applicable to all sums awarded herein, at the statutory rate, from the date of entry of this judgment until paid.
- Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, the Court finds that VirnetX is the prevailing party in this matter and is entitled to costs consistent therewith.
- In lieu of a permanent injunction, the Court awards to VirnetX a compulsory, ongoing royalty as follows:

- The ongoing royalty runs until the earlier of the date that Apple is found to have removed the infringing functionalities in its VPN On Demand feature from its iOS products or the date of the expiration of VirnetX's patents ("End of the Ongoing Royalty");
- The Court awards to VirnetX an ongoing royalty of **$1.20 per unit** for the sale of every iOS product sold from the date after the entry of this final judgment through the End of the Ongoing Royalty; and
- Apple shall continue to provide VirnetX with an accounting for sales of its iOS products within 14 days of each quarterly investor call.

- All relief not specifically granted herein is **DENIED**. All pending motions not previously resolved are **DENIED**.